IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

WP(C).No. 23033 of 2006(P)

PETITIONER:

THARA CHANDRAN, UPPER PRIMARY SCHOOL-ASSISTANT, NSS HIGH SCHOOL, PULLIKKANNAKKU, KAYAMKULAM.

BY ADV. SRI.R.RAJASEKHARAN PILLAI
SRI.M.S.NISHAD
SMT.SABINA JAYAN

RESPONDENTS:

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1. THE STATE OF KERALA REPRESENTED BY THE SECRETARY, GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT EDUCATIONAL OFFICER -MAVELIKARA.

3. THE HEADMISTRESS, NSS HIGH SCHOOL, PULLIKKANNAKKU, KAYAMKULAM, ALAPPUZHA DISTRICT.

BY GOVERNMENT PLEADER SRI.T.T.MUHAMOOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True copy of the Lr.No.B2/4260/04/L/Dis dated 11.6.2004 from the 2nd respondent to the 3rd respondent.

Ext.P1A: True copy of the Lr.No.B2/4261/04/L.Dis. Dated 11.6.2004 from the 2nd respondent to the 3rd respondent.

Ext.P2: True copy of the letter of the 3rd respondent dated 28.7.2004 of the 3rd respondent to the petitioner without annexure.

Ext.P3: True copy of the letter No.4521/H2/05/G.Edn. Dated 22.9.2005 from the 1st respondent to the 2nd respondent.

Ext.P4: True copy of G.O.(RT)No.1534/2006/G.Edn.dated 17.4.2006 of the 1st respondent.

Ext.P5: True copy of the letter No.31226/H2/06/G.Edn. Dated 29.7.2006 of the 1st respondent.

// True copy //

P.A. To Judge

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A.K.BASHEER, J.

W.P.(C)No.23033 OF 2006

Dated this the 30th day of July, 2007

JUDGMENT

Petitioner had availed of leave without allowance from April 3, 2006 to November 30, 2000 to pursue her study for B.Ed. Course. Leave was sanctioned and thereafter on completion of her studies, she had rejoined duty and she was given her service benefits reckoning the period of leave without allowance as eligible leave for all such benefits. However, in Ext.P5 respondent no.1 has turned down the request of the petitioner to reckon the period for increment, higher grade, pension, etc. Learned counsel submits that the issue is squarely covered in favour of the petitioner in view of the judgment of this Court in W.P.(C)No.26782/05 as well as in **Deepika v. State of Kerala [2007 (1) KLT 71]**. The grievance of the petitioner is that the impugned order has been issued without adverting to the dictum laid down by this court in the above two judgments.

2. In the above facts and circumstances, Exts.P4 and P5 are quashed to the extent they deny the above benefits to the petitioner. The 1st respondent shall reconsider matter in the light of the two judgments referred to above and strictly on its merit. This shall be done as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this judgment after affording sufficient opportunity to the petitioner to be heard. Petitioner shall produce a certified copy of this judgment along with a copy of the writ petition before the first respondent for compliance.

Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

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